

MAY 31 2007



**HAMRE, SCHUMANN,  
MUELLER & LARSON, P.C.**

AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION May 31, 2007

TO: Mail Stop: ISSUE FEE  
Examiner: D. Petkovsek  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 10873.1764USWO

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Total pages, including cover letter: 6

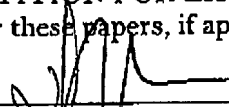
PTO FAX NUMBER: 571.273.8300

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Title of Document: **Information Disclosure Statement, Form 1449, copy of Form 892  
issued in co-pending application**


Applicant: KITTAKA, et al.  
Serial No.: 10/547535  
App. Filed: August 31, 2005  
Group Art No.: 2874  
Confirmation No.: 8143

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By:   
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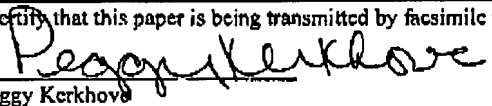
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KITTAKA, et al. Examiner: D. Petkovsek  
Serial No.: 10/547535 Group Art Unit: 2874  
Filed: August 31, 2005 Docket: 10873.1764USWO  
Title: WAVEGUIDE ELEMENT USING PHOTONIC CRYSTAL

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 31, 2007.

By:   
Name: Peggy Kerkhove

INFORMATION DISCLOSURE STATEMENT

Mail Stop Issuance Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. The references were originally cited by the Examiner in co-pending matter serial no. 10/547,828. A copy of the Form 892 issued by the Examiner is enclosed. Copies of any foreign patent documents or "Other Documents" are enclosed.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☒ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

06/01/2007 TL0111 00000041 503478 10547535

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### STATEMENT

Applicants hereby state that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement

- ☐ If this box is checked, Applicant provides the following:

**Certification Under 37 C.F.R. §1.704(d)**

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

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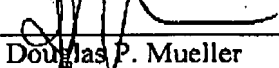
**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
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Dated: May 31, 2007

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk





<b>Notice of References Cited</b>	Application/Control No. 10/547,828	Applicant(s)/Patent Under Reexamination KITTA ET AL.	
	Examiner Daniel J. Petkovsek	Art Unit 2874	Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,795,821	09-2004	Tokushima, Masatoshi	385/50
*	B	US-6,433,919	08-2002	Chowdhury et al.	359/332
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
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## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a)).  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
PTO-B92 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20070411